

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C 20460

OCTOBER 13, 1993

Mr. S.A. Green, Manager
GOCO ES&H Programs
Environmental Affairs
Westinghouse Electric Corporation
Westinghouse Building
Gateway Center
Pittsburgh, Pennsylvania 15222

Dear Mr. Green:

Thank you for your letter dated September 13, 1993, in which you requested clarification on the applicability of the interim final rule published on May 24, 1993. In particular, you requested clarification as to whether the interim final rule applies to wastes which are only ignitable (D001) and corrosive (D002) for which the treatment standard is deactivation, and not to a waste that had one or more numerical treatment standards as well as the deactivation treatment standard, such as a D002/F001 waste.

The interim final rule applies to ignitable (D001) and corrosive (D002) wastes which previously were subject to a deactivation treatment standard, when they are managed in systems other than those regulated under the Clean Water Act (CWA), those zero dischargers treating wastewater by CWA-equivalent treatment prior to ultimate land disposal, and those injecting into Class I deep wells regulated under the Safe Drinking Water Act (SDWA). Under the land disposal restrictions (LDR) program, if two or more wastes are mixed to facilitate treatment, then the treatment standards for all wastes apply. Furthermore, in 40 CFR 268.41(b) it is stated:

When wastes with differing treatment standards for a constituents of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern...

Therefore, in the case of a D002/F001 waste destined for treatment and land disposal in a system not subject to the CWA or, in the case of a zero discharger, employing CWA-equivalent treatment, or not injected into Class I UIC wells, both the treatment standard for D002 and F001 must be met, including the treatment standards for the underlying hazardous constituents (i.e., F039 treatment standards). If these wastes have common constituents of concern, then the most stringent treatment standard applies.

You also describe the possible effects if EPA were to take the position that D001 and D002 wastes cannot be aggregated with other wastes. There is no provision that precludes aggregation of these wastes with other compatible wastes in order to facilitate treatment (aggregating wastes for other purposes may be considered impermissible dilution). However, as mentioned above, all applicable treatment standards must be met before land disposal

You state in your letter that an interpretation of applicability of the interim final rule as I have described in this letter will have major impacts on operations at the Hanford Site. To the extent that these problems are due to the fact that the wastes at the Hanford Site are different from the wastes considered when EPA developed the treatment standards such that your waste can not achieve the treatment standards, you could apply to EPA for a variance from the treatment standard (see 40 CFR 268.44).

Please contact me on 703-308-8434 if you have any further questions.

Sincerely,

Richard Kinch
Chief
Waste Treatment Branch